UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

DIVA EXECUTIVE LIMOUSINE, INC. and DIVA LIMOUSINE LTD.

and

Case 22-CA-091561

DAVID ABRAMS

ORDER1

The Petitioners' petition to revoke subpoena duces tecum B-710434 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioners have failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996). Finally, objections made solely on the basis of a state code of civil procedure (here, California) are not cognizable in a Board proceeding.

Dated, Washington, D.C., December 3, 2013

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.